

EXPRESS EMPLOYEES, FREIGHT HOUSE EMPLOYEES, HIGHWAY CROSSING WATCHMEN, MAINTENANCE OF WAY EMPLOYEES, PLATFORM EMPLOYEES, TRAIN WORKERS, AND YARD WORKERS; AND

(2) ALL OTHER AREAS OF RAILROAD SAFETY AND HEALTH.

(B) PROCEDURE FOR ADOPTION.

(1) TO ADOPT A RAILROAD HEALTH AND SAFETY STANDARD OR OTHER REGULATION, THE COMMISSIONER SHALL COMPLY WITH THIS SECTION AND TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

(2) AN ECONOMIC IMPACT STATEMENT PREPARED IN ACCORDANCE WITH § 10-111(C) OF THE STATE GOVERNMENT ARTICLE SHALL:

(I) INCLUDE DIRECT AND INDIRECT EFFECTS OF THE REGULATION ON THE RAILROAD INDUSTRY, THE PUBLIC, AND RAILROAD EMPLOYEES; AND

(II) SET FORTH ANY ALTERNATIVE APPROACH AVAILABLE.

(3) IF ACCEPTABLE ALTERNATIVE APPROACHES ARE AVAILABLE IN ADOPTION OF A REGULATION, THE COMMISSIONER SHALL ADOPT THE APPROACH THAT HAS THE LEAST BURDENSOME ECONOMIC IMPACT ON THE RAILROAD INDUSTRY, THE PUBLIC, AND RAILROAD EMPLOYEES.

(C) EFFECTIVE DATE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, RAILROAD HEALTH AND SAFETY STANDARDS AND OTHER REGULATIONS THAT THE COMMISSIONER ADOPTS SHALL BE EFFECTIVE AS PROVIDED IN § 10-117 OF THE STATE GOVERNMENT ARTICLE.

(2) THE COMMISSIONER MAY DELAY THE EFFECTIVE DATE OF A REGULATION FOR NOT MORE THAN 90 DAYS TO ENSURE THAT RAILROAD COMPANIES HAVE AN OPPORTUNITY TO FAMILIARIZE THEIR AGENTS AND EMPLOYEES WITH THE REQUIREMENTS OF THE REGULATION.

(D) EMERGENCY ADOPTION.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE BUT SUBJECT TO THE LIMITATIONS ON EMERGENCY ADOPTION IN TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, THE COMMISSIONER MAY ADOPT IMMEDIATELY AN EMERGENCY HEALTH AND SAFETY STANDARD THAT THE COMMISSIONER DETERMINES IS NEEDED TO PROTECT THE PUBLIC AND EMPLOYEES FROM THE GRAVE DANGER OF EXPOSURE TO AN AGENT OR CONDITION DETERMINED TO BE TOXIC OR PHYSICALLY HARMFUL.

(2) AN EMERGENCY HEALTH AND SAFETY STANDARD ADOPTED UNDER THIS SUBSECTION REMAINS IN EFFECT UNTIL THE EARLIER OF:

(I) EXPIRATION OF A PERIOD THAT THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW SETS;